



# Tia'muwe'l Netuklimkewe'l Unama'ki Moose Harvesting According to Netukulimk

## **Guideline 1–SAFETY**

- 1a All Mi'kmaq hunters and those helping them will wear a hunter orange cap or hat and a solid hunter orange shirt, vest or coat that can be seen from all sides.
- 1b All Mi'kmaq hunters will keep rifles unloaded when inside a vehicle, use proper care and attention when handling and firing a rifle, and follow provincial regulations respecting the distances required for firing rifles near schools, roads, houses, businesses, etc.
- 1c Mi'kmaq hunters will make sure that their campsites are kept clean and safe, and will make sure that sites are returned to their natural state when they leave.
- 1d No Mi'kmaq hunter will hunt while impaired by drugs or alcohol.
- 1e Mi'kmaq hunters will always hunt in a safe and respectful manner.
- 1f Rifles must be properly registered and the hunter will have a Firearms Acquisition Certificate (FAC) and a Hunter's Safety Certificate.
- 1g Mi'kmaq hunters need to understand that any non-compliance with safety practices can lead to charges.

## **Guideline 2–COMMUNITY AUTHORITY AND HUNTING ADVISORY GROUPS**

- 2a These Guidelines are applicable to all Mi'kmaq in Nova Scotia as an exercise of Community Authority and Nationhood. The Assembly will create an Assembly Hunting Technical Committee to advise the Assembly, Grand Council members of Nova Scotia and Chief and Councils in the administration and evolution of these Guidelines. The Assembly Hunting Technical Committee will also ensure that Community Hunting Advisory Groups are following the Guidelines.
- 2b To help communicate and administer the Guidelines Community Hunting Advisory Groups will be created by Chief and Councils to help hunters follow the Guidelines, provide hunter education and safety programs and to provide hunters with any necessary Certificate of Authority. Community Hunter Advisory Groups will collect all required data from local hunters consistent with these Guidelines.
- 2c If hunters feel that their Community Hunting Advisory Group has made a wrong decision, or is not properly following these Guidelines, the hunter can ask the Assembly Hunting Technical Committee to review the issue.

## **Guideline 3–THE NO HUNTING TIME**

- 3a Exercising their rights as stewards of the moose, Mi'kmaq will not hunt moose between January 1 to August 15 of each year.

## **Guideline 4–ID AND NON-MI'KMAQ HELPERS**

- 4a All Mi'kmaq with a Status Card will keep that card on them at all times while hunting as proof of identity.
- 4b In the event that a Mi'kmaq hunter is accompanied by a non-Mi'kmaq person, the Non-Mi'kmaq person will possess a Certificate of Authority from the Community Hunting Advisory Group allowing him or her to participate in the hunt. In order to receive a Certificate of Authority the following conditions apply:
  - 1. The Non-Mi'kmaq must be an accepted member of the Mi'kmaq hunter's family;
  - 2. The Non-Mi'kmaq will not be allowed to carry a rifle or to kill a moose. They will be authorized to help the Mi'kmaq hunter with all other aspects of the hunt.

## **Guideline 5–HUNTER REPORTING**

- 5a The date and location for each moose harvested.
- 5b Whether the moose harvested was a bull, cow or calf and the approximate age of the animal.
- 5c If available, the hunter will turn in the jaw bone of each moose harvested.
- 5d Any reports of moose observed but not harvested.
- 5e Any reports of moose carcasses that were found and left unclaimed.

RELEASED August 17, 2009

**Assembly of Nova Scotia**  
**MI'KMAQ CHIEFS**



## Moose Working Group

The Cape Breton Highlands have always been known as traditional Mi'kmaq hunting grounds. In fact, a Mi'kmaq hunter recently found a 4500 year-old arrowhead there, evidence that Mi'kmaq hunted there for thousands of years.

However, in the 1800s, moose disappeared from Unama'ki and this ancient relationship came to an abrupt end that lasted for almost 100 years. Cape Breton Mi'kmaq were separated from a very valuable resource and all it offered.

In the 1940s, Parks Canada brought 18 moose to the Cape Breton Highlands to give tourists a large mammal to see in the Park. The moose liked it here. Lots to eat, room to roam and they flourished and spread. In the absence of their major predators, wolves, Unama'ki became a moose haven, especially after the spruce budworm devastation of the 1970s. With a massive clearcutting of damaged softwood, hardwood shoots began to grow, offering ideal browse conditions for moose to thrive.

The 1970s and 80s were also a time of heavy litigation in the courts, with Mi'kmaq hunters being charged and treaties tested. Late in the 1980s, the Mi'kmaq proved that our treaties were valid, proving to Canada and the rest of the world that Mi'kmaq treaties still existed and were in force. These litigation victories coincided and grew with the moose population—10,000 animals from the original 18. A real population explosion!

With the traditional relationship between Mi'kmaq and moose reestablished, the Mi'kmaq felt it was time to become managers and stewards of the resource, to manage the hunt for our children and their children—the next seven generations. Mi'kmaq Elders advised that with these rights come great responsibilities. They saw the importance of balance, conservation and preservation of the herd and said the time had come for self-management.

In response to Elders and community members concerns, Grand Council asked Charlie Dennis to take on moose management as part of his duties. With Parks Canada, he established two committees and began to develop draft guidelines. This process reached a stumbling block—Mi'kmaq could not govern our people while off reserve where the hunting takes place.

It was clear that we were dealing with Mi'kmaq rights and, in the early 2000s, the issue was brought to the Assembly of Nova Scotia Mi'kmaq Chiefs. As a result, Kwilmu'kw Maw-klusuaqn (KMK) established the Moose Working Group and moose management became an important first issue to establish Mi'kmaq rights and unify the concerns of the Nova Scotia Mi'kmaq communities.

In 2006, Clifford Paul was hired as Moose Management Coordinator. His role at UINR is to engage Nova Scotia Mi'kmaq communities in active discussions around moose issues and promote discussions on the management of the Cape Breton moose herd and hunting practices. Clifford's philosophy is simple. "We come to your community with a blank book. You tell us what is right and what you feel is important and we will listen."

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In the next couple of years, Clifford and a team of advisors from KMK visited every Mi'kmaq community in Nova Scotia to talk moose. He heard a deep concern for conservation and protection of the herd so it will be available for future generations. A more respectful relationship is required and, as stewards of the resource, communities' communal rights take priority over individual rights.

Clifford visited each community several times, gathering information and seeing common themes arising at every meeting. In September of 2008, "Mawikwamk Wjit Tia'muk-Mi'kmaq-Gathering on Moose" was held in Wagmatcook, bringing together delegates from across Nova Scotia to look at some of the issues important to moose management. The two-day event reached consensus on three issues:

- Non-native accompaniment
- No-hunting time/A Mi'kmaq hunting season
- Hunter advisory groups

A fourth issue, selling moose, did not achieve consensus and further discussions are needed.

Out of this session, draft guidelines were developed and brought to the Assembly of Nova Scotia Mi'kmaq Chiefs for review. Changes were made and now Tia'muwe'l Netuklimkewe'l-Unama'ki Moose Harvesting According to Netukulimk was approved.

The Guidelines will be officially released on August 17 asking Mi'kmaq hunters for voluntary compliance over the next two years. Over this time, Clifford and his team will again visit communities to talk about the Guidelines, answer questions and work out more details for the future.

Clifford explains, "The Guidelines are just one tool in the management plan. The Mi'kmaq Legal Support Network is developing the legal regulations and at the same time, we are moving forward with our Natural Resource Officer Program."

"The key component in our management plan is the Mi'kmaq response to these initial Guidelines. It is a living document and through the hunters' and communities' feedback we will once again regain stewardship over this important resource."

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## Background

The Moose Working Group was mandated to hold community sessions throughout Nova Scotia to canvass community opinion regarding moose management and hunting. In recent years, Mi'kmaq hunters have been complaining to Chiefs and Councils that the state of the Mi'kmaq moose hunt was becoming dangerous and disrespectful. Many were threatening to present demands to provincial authorities that they clamp down on the Mi'kmaq hunt. The Assembly saw this as a chance to pursue self-government and self-management in this area. UINR had been exploring joint management with DNR and Parks Canada for a number of years, but governments were not willing to extend the discussions into governance issues. The Made-in-Nova Scotia Process presented an opportunity to take this discussion further and to expand the role of the Assembly, and thus the governance project, to involve all the Mi'kmaq communities of Nova Scotia.

The conversations at the community level have provided valuable input on future Mi'kmaq management of the resource and they have also provided important good will between community members and the Assembly's community-oriented process. The fact that the Assembly wished to hear from the people has been an important step. Understandably, discussion at the community level can touch upon a number of issues, sometimes in a disjointed and unorganized manner. Therefore, I would like to take this opportunity to summarize the discussion in this report and attempt to categorize the various issues. These issues will form the basis of future Mi'kmaq governance initiatives for moose access and stewardship. Broadly speaking, the issues are as follows:

Certain fundamental principles seemed to be universally accepted. Everyone was supportive of the idea that the community, through self-government, could and should regulate the Mi'kmaq hunt. This was the case even with those hunters who held a strong view of individual rights. There was consistent concern that the hunt was increasingly unsafe and that the notion that respect for the moose was disappearing. There was a consistent view that netukulimk was an appropriate principle or value on which Mi'kmaq governance had been based in the past and should be based upon in the future. Finally, there was a generally held view that for community regulations to work, the vast majority of hunters would have to follow them and promote them on the mountain and within their own communities.

Ultimately, community members attending the meetings were quite enthusiastic about Mi'kmaq driven guidelines protecting and directing the moose hunt. It is evident that most Mi'kmaq have not felt comfortable in the way that the hunt was evolving in the years following Marshall. The delicate balance is to ensure that the hunt is safe and ecologically sound, while also respectful of the heartfelt treaty rights of the Mi'kmaq. It is also clear that the participants feel comfortable when involved in the discussion of future directions. The most telling comment was that a hunter was "blown away" by the fact that the moose, so important to the Mi'kmaq in so many ways, was actually bring self-government back to the people, and therefore any way to return that respect to the animal was a good step.

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# Frequently Asked Questions

## **You say the Mi'kmaq have aboriginal and treaty rights to hunt. Why do you need your own guidelines? Don't the Mi'kmaq have to follow provincial regulations?**

The Mi'kmaq, since time immemorial, have governed the way in which they use traditional resources. Most provincial regulations do not apply to Mi'kmaq hunters. The Mi'kmaq, however, are responsible stewards of the environment and, as a nation, want to make sure that resources are used responsibly and safely.

## **Do these guidelines apply to off-reserve Mi'kmaq?**

These guidelines apply to all Mi'kmaq in Nova Scotia.

## **Doesn't the Native Council have their own set of guidelines? How are the two sets of guidelines different?**

Currently the Native Council of Nova Scotia has hunting guidelines. The Native Council guidelines, like other resource access rules in the past, were developed by various interest groups and organizations. These new Moose Guidelines represent the desire of the Mi'kmaq to be a self-governing jurisdiction. The Assembly of Nova Scotia Mi'kmaq Chiefs will work with all these interest groups and organizations over the next two years to ensure that their efforts are reflected in future Mi'kmaq law. In the end there will be a single unified Mi'kmaq jurisdiction over the moose hunt.

## **Were the Native Council involved?**

All Mi'kmaq were invited to participate in the process to develop these guidelines. Many participants were members of organizations such as the Native Council, Native Women's Association, Youth and Elder Committees and so on.

## **Shouldn't there be a single set of rules for all Mi'kmaq?**

Yes, and that is the plan.

## **Why won't the Mi'kmaq agree to follow the seasons that are in place for other Nova Scotians?**

The Mi'kmaq currently have the ability to hunt all year long. The decision to create a "no hunting time" is based on time honoured respect for the health and spiritual connection with the moose and the needs of Mi'kmaq families.

## **The guidelines promote safety. During the regular hunting season, there is no hunting on Sundays so people can feel safe in the woods. Do the Mi'kmaq hunt on Sundays?**

I am not sure that the Sunday prohibition by the Province is a safety provision. Mi'kmaq will not be prohibited from, hunting on Sunday.

## **What are the plans for adopting the guidelines and making them enforceable?**

The Assembly will undertake a wide education and communications effort over the next two years. Other provisions may be added to the guidelines, or current provisions re-addressed. At the end of that period, the Assembly would like to enact guidelines as enforceable Mi'kmaq law. Since this is groundbreaking for self-governance in Nova Scotia, discussions will have to take place regarding how Mi'kmaq law will be created.

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## Frequently Asked Questions

### **It says there will be additional guidelines in the future on livelihood? What is the issue here?**

The Mi'kmaq maintain that the Marshall decision provides authority for the sale, trade and barter of moose products to earn a moderate livelihood. Clearly, however, this means that rules and limits have to apply in order to protect a finite resource. The Mi'kmaq are currently discussing these rules and look forward to adding them to the guidelines once we have reached community consensus.

### **What is your position on night hunting?**

This question is currently before the courts and we will respect that process and any guidance the courts may have.

### **Why do the guidelines only address moose, and not deer?**

Every species has different management requirements. The Mi'kmaq will address deer and other hunted species based on the lessons learned in this process.

### **Under these guidelines, can the Mi'kmaq hunt moose on the Mainland?**

No. The Mi'kmaq are working with the Province on the Recovery Plan for the Mainland Moose. Moose on mainland Nova Scotia are listed "endangered" under the NS Endangered Species Act. As a conservation concern, the ban on hunting moose on mainland NS applies to aboriginal people as well.

### **Don't the Mi'kmaq have to follow provincial wildlife regulations?**

Rules for conservation and safety apply to everyone. Aboriginal people have Aboriginal and treaty rights to hunt and fish which are protected in Canada's constitution. This means that other than for conservation and safety, provinces can't unilaterally impose new hunting rules on the Aboriginal community. That is why it is important to develop cooperative management approaches like we are doing in the Made-in-Nova Scotia Process.

### **Does the Province of Nova Scotia intend to adopt these guidelines?**

The Province is very supportive of these guidelines. If at some time in the future the guidelines become regulations recognized in Nova Scotian law, the Province will work with the Mi'kmaq Community on means of effectively enforcing them.

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